IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 24393 of 2007(D)

PETITIONER:

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1. G.SUBRAMANIAN,S/O.R. GOPALAN,
   AGED 54 YEARS, RESIDING AT THELLICHIRA,
   KARAPUZHA,KOTTAYAM.

2. M.KADAKKARA, S/O. MUPPILY, AGED 54 YEARS
   RESIDING AT SELVI HOUSE, PUTHENANGADY,
   KOTTAYAM-1.

3. KOTTAYAM MUNICIAPAL WORKER'S UNION
   REGD.NO. 05-13/88,REPRESENTED BY ITS
   SECRETARY, M.K.PRABHAKAAN (RESIDING AT MUDESSARIL
   HOUSE, VELLOOR P.O., KOTTAYAM).

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS:

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1. KOTTAYAM MUNICIPALITY REPRESENTED BY THE
   SECRETARY,KOTTAYAM MUNICIPALITY, KOTTAYAM.

2. THE SECRETARY, KOTTAYAM MUNICIPALITY,
   KOTTAYAM.

3. THE STATE OF KERALA REPRESENTED BY THE
   SECRETARY TO THE GOVERNMENT, LOCAL ADMINISTRATION
   DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

4. THE DIRECTOR, VIGILANCE AND ANTI
   CORRUPTION BUREAU,THIRUVANANTHAPURAM.

5. P.G.NEELAN, AMBEDKAR NAGAR,
   COLLECTORATE.P.O.,KOTTAYAM, NOW RESIDING AT ANNAI
   ILLAM, CHIRAYIL PADAM,SREENIVASA AYYER ROAD,
   KOTTAYAM-1.

6. G. MADASWAMY,
   RAILWAY PURAMBOKU, COLLECTORATE.P.O.,
   KOTTAYAM.

7. M.KANNAN, AMBEDKAR NAGAR,
   COLLECTORATE.P.O. KOTTAYAM.

8. T.A. UMMER, CHINNU MANZIL (H)
   KUMMANAM P.O., KOTTAYAM..

9. SIYAD.M.A. MALATHUSSERIL HOUSE,
THIRUVARPPU PO., KOTTAYAM-686 033.

10. AJI MON.K.T. KUNNELPARAMBIL HOUSE,
COLLECTORATE.P.O.,AMBEDKAR NAGAR, KOTTAYAM.

11. S.KARUPPASWAMY,NETHAJI NAGAR,
COLLECTORATE P.O., MULLAMKUZHY, KOTTAYAM.

12. K.MARIYAPPAN, NETHAJI NAGAR,
COLLECTORATE P.O., KOTTAYAM.

13. K.SIVAN,
NETHAJI NAGAR, COLLECTORATE P.O.,
MULLAMKUZHY,KOTTAYAM.

14. A.NARYANAN,
NETHAJI NAGAR, COLLECTORATE P.O.,MULLAMKUZHY,
KOTTAYAM.

15. ELANKO, NETHAJI NAGAR,
COLLECTORATE PO.,MULLAMKUZHY, KOTTAYAM.

16. ANIL KUMAR NETHAJI NAGAR,
COLLECTORATE PO.,MULLAMKUZHY, KOTTAYAM.

17. M.SABU, NETHAJI NAGAR,
COLLECTORATE PO.,MULLAMKUZHY, KOTTAYAM.

18. M.KARUPPASWAMY, NETHAJI NAGAR,
COLLECTORATE PO.,MULLAMKUZHY, KOTTAYAM.

19. G.MURUKESAN, NETHAJI NAGAR,
COLLECTORATE PO.,MULLAMKUZHY, KOTTAYAM.

20. C.VIJAYAN,NETHAJI NAGAR,
COLLECTORATE PO.,MULLAMKUZHY, KOTTAYAM.

21. BIJU, VAZHAKALAYIL,
COLLECTORATE PO.,MULLAMKUZHY, KOTTAYAM.

BY ADV. SRI.SIBY MATHEW, SC FOR MUNICIPALITY
SRI.A.A.MOHAMMED NAZIR
ADV. SHRI.I.V.PRAMOD, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, ALONG WITH WPC NO. 27719 OF 2007 & WP(C) No. 28434/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

WP(C) Nos. 24393, 27719 & 28434 of 2007

Dated, this the 8th day of October, 2007

J U D G M E N T

The petitioners in WP(C) No. 24393/07 are seeking a direction to the respondents to take a decision on resolution No. 26 dated 06/07/2007 passed by the 1st respondent Municipality. Consequential reliefs are also sought for. The Municipality through counsel admits that they had passed the resolution mentioned above and that the same was forwarded to the Director of Municipalities. Learned Government Pleader, on instructions, confirms that the Director of Municipalities had received the same and has forwarded it to the Government on 19/03/2007. It is also submitted that the matter is now pending consideration of the Director of Urban Affairs. According to the learned Government Pleader, the matter has to be finally decided by the 3rd respondent, in whose Department the matter is now pending.

2. In view of the aforesaid facts as now disclosed, there will be a direction to the 3rd respondent to pass orders on the resolution dated 06/07/2007 passed by 1st respondent Municipality, as expeditiously as possible, at any rate, within two months from the

date of receipt of a copy of this judgment.

3. In so far as, the petitioners in WP(C) 27719/07 & 28434/2007 are concerned, they are claiming the benefit of GO(MS) 91/2001/L.Adm dated 29/03/2001. Since the petitioners have entered service subsequent to 31/12/2001, they are not eligible for the benefit of the said Government Order. In view of this, the relief of regularization sought by the petitioners relying on the aforesaid Government Order, cannot be granted. In the circumstance, these two writ petitions are only to be dismissed and I do so.

(ANTONY DOMINIC, JUDGE.)

jg